

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 20226 of 2007(G)

**AGAINST THE ORDER IN E.A.368/07 EP.NO.19/2006 IN
OS.792/1981 of III ADDL.M.C.,TRIVANDRUM**
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PETITIONER:

**T.ASHOKA KUMARI, D/O.THANKAMMA,
PUCHADIKONATH PUTHENVEEDU,
PUTHUPPILLY LANE, MADATHUVILAKAM VILLAGE AND
MURI.**

**BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)
SRI.C.R.BALRAJ**

RESPONDENTS:

- 1. C.RETHNAMMA,
VADKKEKUNCHU VEEDU, MADATHUVILAKAM VILLAGE. (DIED)**
- 2. MEENAMBIKA,
VADKKEKUNCHU VEEDU, MADATHUVILAKAM VILLAGE.**
- 3. LALITHAMBIKA,
VADKKEKUNCHU VEEDU, MADATHUVILAKAM VILLAGE.**
- 4. HARIHARAN,
VADKKEKUNCHU VEEDU, MADATHUVILAKAM VILLAGE.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 2/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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W.P.C. NO. 20226 OF 2007

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Dated this the 2nd day of July, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside the order of the 3rd Additional Munsiff, Thiruvananthapuram in E.P.19/06 in O.S.792/81. The present writ petitioner originally claimed fixity of tenure and the trial court found in her favour. The appellate court and this Court negated that contention and thereafter again moved the Court with a prayer that she is entitled to kudikidappu right under Section 2(25) of the Kerala Land Reforms Act. The right claimed by the present writ petitioner as tenants entitled to fixity of tenure or the benefit of kudikidappu has been negated and I am informed that an appeal is preferred against that order as A.S.265/98. The said appeal itself has been disposed of on 17-6-2005 and a second appeal is filed and it is pending. If at all there is any determination that is to be sought for, it must be only in the second appeal which is pending and not by virtue of a separate writ petition. Further, it has to be borne in mind that the

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suit is of the year 1981, the litigation has been going on for the last 26 years. Therefore, I am not inclined to pass any order. I do not find any merit in this writ petition and the same is dismissed.

M.N. KRISHNAN, JUDGE.

ul/-